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File No.: 130002

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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

Paul Martinka,

Plaintiff,

v.

MediaLab.AI Inc. d/b/a  
Mobile Medialab Technologies,

Defendant.

Case No:

**COMPLAINT**

**DEMAND FOR JURY TRIAL**

Plaintiff Paul Martinka (“*Plaintiff*”), by and through his undersigned counsel, for his Complaint against defendant MediaLab.AI Inc. d/b/a Mobile Medialab Technologies (“*Defendant*”) states and alleges as follows:

**INTRODUCTION**

1. This action seeks to recover damages for copyright infringement under the Copyright Act, 17 U.S.C §101 *et seq.*

2. Plaintiff created a photograph of a shooting suspect being escorted out of a police precinct in Brooklyn, New York (the “*Photograph*”) in which Plaintiff

owns the rights and licenses for various uses including online and print publications.

3. Defendant owns and operates a website at domain www.worldstarhiphop.com (the “Website”).

4. Defendant, without permission or authorization from Plaintiff, actively copied and displayed the Photograph on the Website and engaged in this misconduct knowingly and in violation of the United States copyright laws.

### **PARTIES**

5. Plaintiff Paul Martinka is an individual who is a citizen of the State of New York and resides in Kings County, New York.

6. Upon information and belief, defendant Medialab.AI Inc. d/b/a Mobile Medialab Technologies is a Delaware corporation with a principal place of business at 1222 6th Street, Santa Monica in Los Angeles County, California.

### **JURISDICTION AND VENUE**

7. This Court has subject matter jurisdiction over the federal copyright infringement claims pursuant to 28 U.S.C. §1338(a) and 28 U.S.C. §1331.

8. This Court has personal jurisdiction over Defendant because it maintains its principal place of business in California.

9. Venue is proper under 28 U.S.C. §1391(b)(2) because Defendant does business in this Judicial District and/or because a substantial part of the events or omissions giving rise to the claim occurred in this Judicial District.

### **FACTS COMMON TO ALL CLAIMS**

#### **A. Plaintiff's Copyright Ownership**

10. Plaintiff is a professional photographer by trade who is the legal and rightful owner of certain photographs which Plaintiff commercially licenses.

11. Plaintiff has invested significant time and money in building Plaintiff's photograph portfolio.

12. Plaintiff has obtained active and valid copyright registrations from the

1 United States Copyright Office (the “USCO”) which cover many of Plaintiff’s  
2 photographs while many others are the subject of pending copyright applications.

3 13. Plaintiff’s photographs are original, creative works in which Plaintiff  
4 owns protectable copyright interests.

5 14. On August 3, 2022, Plaintiff first published the Photograph. A copy of  
6 the Photograph is attached hereto as Exhibit 1.

7 15. In creating the Photograph, Plaintiff personally selected the subject  
8 matter, timing, lighting, angle, perspective, depth, lens, and camera equipment used  
9 to capture the image and made each and every artistic determination necessary for  
10 the creation of the work.

11 16. On September 27, 2022, the Photograph was registered by the USCO  
12 under Registration No. VA 2-322-263.

13 17. Plaintiff created the Photograph with the intention of it being used  
14 commercially and for the purpose of display and/or public distribution.

15 18. Plaintiff published the Photograph by commercially licensing it to the  
16 New York Post for the purpose of display and/or public distribution.

17 **B. Defendant's Infringing Activity**

18 19. Defendant is the registered owner of the Website and is responsible for  
19 its content.

20 20. Defendant is the operator of the Website and is responsible for its  
21 content.

22 21. The Website is a key component of Defendant's popular and lucrative  
23 commercial enterprise.

24 22. The Website is monetized in that it contains paid advertisements and,  
25 on information and belief, Defendant profits from these activities.

26 23. Upon information and belief, Defendant has not implemented adequate  
27 internal policies to verify copyright ownership before content use, indicating a gross  
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1 negligence in legal compliance, which is essential for a company with Defendant's  
2 reach, capabilities, and level of sophistication.

3 24. Upon information and belief, Defendant's internal policies, if any, are  
4 either not designed to verify copyright ownership before content use or are  
5 systematically ignored, indicating a willful, recurring disregard for copyright  
6 compliance.

7 25. Defendant's failure to adopt or effectively enforce internal copyright  
8 policies, if any, indicates *de facto* willful infringement.

9 26. On or about August 4, 2022, Defendant displayed the Photograph on  
10 the Website as part of an on-line story at URL:  
11 [https://worldstarhiphop.com/videos/wshhQN909NV6ULg3JQs5/you-going-to-jail-](https://worldstarhiphop.com/videos/wshhQN909NV6ULg3JQs5/you-going-to-jail-now-man-and-his-girlfriend-charged-in-brooklyn-mcdonalds-shooting-over-cold-fries)  
12 [now-man-and-his-girlfriend-charged-in-brooklyn-mcdonalds-shooting-over-cold-](https://worldstarhiphop.com/videos/wshhQN909NV6ULg3JQs5/you-going-to-jail-now-man-and-his-girlfriend-charged-in-brooklyn-mcdonalds-shooting-over-cold-fries)  
13 [fries](https://worldstarhiphop.com/videos/wshhQN909NV6ULg3JQs5/you-going-to-jail-now-man-and-his-girlfriend-charged-in-brooklyn-mcdonalds-shooting-over-cold-fries). A copy of a screengrab of the Website including the Photograph is attached  
14 hereto as Exhibit 2.

15 27. The Photograph was stored at URL: [https://hw-](https://hw-static.worldstarhiphop.com/u/pic/2022/08/19WuP1Z9GD58.jpg)  
16 [static.worldstarhiphop.com/u/pic/2022/08/19WuP1Z9GD58.jpg](https://hw-static.worldstarhiphop.com/u/pic/2022/08/19WuP1Z9GD58.jpg).

17 28. Without permission or authorization from Plaintiff, Defendant  
18 volitionally copied and displayed Plaintiff's copyright protected Photograph on the  
19 Website.

20 29. Plaintiff discovered the Infringement on April 14, 2024.

21 30. Upon information and belief, the Photograph was copied and displayed  
22 by Defendant without license or permission, thereby infringing on Plaintiff's  
23 copyrights in and to the Photograph (hereinafter the unauthorized use set forth above  
24 is referred to as the "*Infringement*").

25 31. The Infringement includes a URL ("*Uniform Resource Locator*") for a  
26 fixed tangible medium of expression that was sufficiently permanent or stable to  
27 permit it to be communicated for a period of more than a transitory duration and  
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1 therefore constitutes a specific infringement.

2 32. The Infringement is an exact copy of Plaintiff's original image that was  
3 directly copied and displayed by Defendant on the Website.

4 33. Upon information and belief, Defendant takes an active and pervasive  
5 role in the content posted on its Website, including, but not limited to copying,  
6 posting, selecting, commenting on, and/or displaying images including but not  
7 limited to Plaintiff's Photograph.

8 34. Upon information and belief, the Photograph was willfully and  
9 volitionally posted to the Website by Defendant.

10 35. Upon information and belief, Defendant was aware of facts or  
11 circumstances from which the determination regarding the Infringement was  
12 apparent. Defendant cannot claim that it was not aware of the infringing activities,  
13 including the specific Infringement which forms the basis of this complaint, since  
14 such a claim would amount to only willful blindness to the Infringement on the part  
15 of Defendant.

16 36. Upon information and belief, Defendant engaged in the Infringement  
17 knowingly and in violation of applicable United States copyright laws.

18 37. Upon information and belief, Defendant has the legal right and ability  
19 to control and limit the infringing activities on its Website and exercised and/or had  
20 the right and ability to exercise such right.

21 38. Upon information and belief, Defendant monitors the content on its  
22 Website.

23 39. Upon information and belief, Defendant has received a financial benefit  
24 directly attributable to the Infringement.

25 40. Upon information and belief, the Infringement increased traffic to the  
26 Website and, in turn, caused Defendant to realize an increase in its advertising and/or  
27 business revenues.  
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1 valid copyright.

2 52. The Photograph is properly registered with the USCO and Plaintiff has  
3 complied with all statutory formalities under the Copyright Act and under  
4 regulations published by the USCO.

5 53. Plaintiff has not granted Defendant a license or the right to use the  
6 Photograph in any manner, nor has Plaintiff assigned any of its exclusive rights in  
7 the copyright to Defendant.

8 54. Without permission or authorization from Plaintiff and in willful  
9 violation of Plaintiff's rights under 17 U.S.C. §106, Defendant improperly and  
10 illegally copied, reproduced, distributed, adapted, and/or publicly displayed works  
11 copyrighted by Plaintiff thereby violating one of Plaintiff's exclusive rights in its  
12 copyrights.

13 55. Defendant's reproduction of the Photograph and display of the  
14 Photograph constitutes willful copyright infringement.

15 56. Upon information and belief, Defendant willfully infringed upon  
16 Plaintiff's copyrighted Photograph in violation of Title 17 of the U.S. Code, in that  
17 Defendant used, published, communicated, posted, publicized, and otherwise held  
18 out to the public for commercial benefit, Plaintiff's original and unique Photograph  
19 without Plaintiff's consent or authority, by using it on the Website.

20 57. As a result of Defendant's violations of Title 17 of the U.S. Code,  
21 Plaintiff is entitled to an award of actual damages and disgorgement of all of  
22 Defendant's profits attributable to the infringements as provided by 17 U.S.C. § 504  
23 in an amount to be proven or, in the alternative, at Plaintiff's election, an award for  
24 statutory damages against Defendant for each infringement pursuant to 17 U.S.C. §  
25 504(c).

26 58. As a result of the Defendant's violations of Title 17 of the U.S. Code,  
27 the court in its discretion may allow the recovery of full costs as well as reasonable  
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1 attorney's fees and costs pursuant to 17 U.S.C. § 505 from Defendant.

2 59. As a result of Defendant's violations of Title 17 of the U.S. Code,  
3 Plaintiff is entitled to injunctive relief to prevent or restrain infringement of  
4 Plaintiff's copyright pursuant to 17 U.S.C. § 502.

5 **JURY DEMAND**

6 60. Plaintiff hereby demands a trial of this action by jury.

7 **PRAYER FOR RELIEF**

8 **WHEREFORE**, Plaintiff respectfully requests judgment as follows:

9 That the Court enters a judgment finding that Defendant has infringed on  
10 Plaintiff's rights to the Photograph in violation of 17 U.S.C. §501 *et seq.* and  
11 therefore award damages and monetary relief as follows:

- 12 a. finding that Defendant infringed Plaintiff's copyright interest in  
13 and to the Photograph by copying and displaying it without a  
14 license or consent;
- 15 b. for an award of actual damages and disgorgement of all of  
16 Defendant's profits attributable to the infringements as provided  
17 by 17 U.S.C. § 504(b) in an amount to be proven or, in the  
18 alternative, at Plaintiff's election, an award for statutory damages  
19 against Defendant for each infringement pursuant to 17 U.S.C. §  
20 504(c), whichever is larger;
- 21 c. for an order pursuant to 17 U.S.C. § 502(a) enjoining Defendant  
22 from any infringing use of any of Plaintiff's works;
- 23 d. for costs of litigation and reasonable attorney's fees against  
24 Defendant pursuant to 17 U.S.C. § 505;
- 25 e. for pre-judgment interest as permitted by law; and
- 26 f. for any other relief the Court deems just and proper.
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DATED: October 21, 2024

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